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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
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16 JOSE TRUJILLO,) Case No. 1:22-cv-00983-BAM
17 vs. Plaintiff,)
18)
19 BALDOMERO V. CISNEROS dba QUE) STIPULATION GRANTING PLAINTIFF
20 PASA MEXICAN CAFE, et al.,) LEAVE TO FILE FIRST AMENDED
21) COMPLAINT; ~~PROPOSED~~ ORDER
22 Defendants.)
23)
24)
25)
26)
27)
28)

19 **WHEREAS**, Plaintiff, Jose Trujillo (“Plaintiff”), seeks to amend his complaint to
20 allege additional access barriers which relate to his disability which were identified during the
21 pendency of this action;

22 **WHEREAS**, the Ninth Circuit both urges and requires Plaintiff to identify in his
23 complaint all barriers identified which relate to his disability. Chapman v. Pier 1 Imports (U.S.)
24 Inc., 631 F.3d 939, 944 (9th Cir. 2011); Oliver v. Ralphs Grocery Co., 654 F.3d 903, 909 (9th
25 Cir. 2011);

26 **WHEREAS**, Plaintiff has not unduly delayed the amendment, does not bring it in bad
27 faith, the amendment is not futile, and such amendment does not prejudice the defendants, nor
28 does the amendment in any way change the nature of the action; and

STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT;
~~PROPOSED~~ ORDER

1 **WHEREAS**, this amendment would not alter any dates or deadlines set by the Court;
2 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and
3 Defendants, Baldomero V. Cisneros dba Que Pasa Mexican Cafe and Heiskell Ranches, L.P.
4 (“Defendants”), the parties to this Action, through their respective attorneys of record, that
5 Plaintiff may file a First Amended Complaint, a copy of which is attached hereto as Exhibit
6 “A” with redlines showing the changes from the original Complaint.

7 **IT IS FURTHER STIPULATED** that Plaintiff shall file his First Amended Complaint
8 within five (5) calendar days of the Court's Order permitting such filing, and that Defendants'
9 responses thereto shall be due as required by the Federal Rules of Civil Procedure.

10 | IT IS SO STIPULATED.

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12 Dated: May 31, 2023 MOORE LAW FIRM, P.C.

17 | Dated: May 31, 2023 CLIFFORD & BROWN

18 _____
19 /s/ William A. Bruce
20 William A. Bruce
21 Attorneys for Defendant,
Baldomero V. Cisneros dba Que Pasa
Mexican Cafe

22 Dated: May 31, 2023 McCORMICK, KABOT & LEW APC.

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**STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT;
[PROPOSED] ORDER**

ATTESTATION

Concurrence in the filing of this document has been obtained from each of the individual(s) whose electronic signature is attributed above.

/s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff
Jose Trujillo

ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff may file his First Amended Complaint, a redlined copy of which was filed with the Parties' stipulation, within five (5) calendar days of the date this Order is filed.

IT IS FURTHER ORDERED that Defendants' responses thereto shall be filed within the time required by the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: **June 1, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE